IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4110 OF 2005

Mohd. Aslam Mohd Ali Dalkania ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. S. V. Marwadi for the Applicant.
Ms M. M Deshmukh A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 12, 2005.

P.C.:

1. Heard Counsel appearing for the parties. An offence has been registered against the Applicant and co-accused for offences punishable under sections 465, 468, 420, 406, 34 of the Indian Penal Code read with section 12 of the Passport Act. The allegation against the Applicant and co-accused is that the Applicant has taken a sum of Rs.10,35,000/- for the purposes of obtaining VISA of United Kingdom for the benefit of three persons and co-accused Anwar has accepted the sum of Rs.7,50,000/- for the same work.

2. Shri. Marwadi appearing for the Applicant submitted that the Applicant has no connection with the business of the co-accused and he relies upon the documents of Leave and Licence to show that he has granted his premises as licensee in favour of the co-accused. He placed reliance on the order passed in favour of the co-accused by which he is enlarged on bail and submitted that as the Applicant is always

available for the investigation, custodial interrogation is not required.

3. The learned A.P.P. opposed the Application by pointing out gravity of offence and material on record. I have considered the submissions. The co-accused was arrested in connection with the offence in question and he was enlarged on bail only on the ground of ill-health by observing that co-accused was hospitalised in J.J. Hospital. When the specific allegation against the Applicant is that he collected huge amount of Rs.10,35,000/- for obtaining VISA of United Kingdom, it cannot be stated that custodial interrogation of the Applicant is required.

4. Hence, Application is rejected.

5. At this stage, learned Counsel appearing for the Applicant prays that time of one week be granted to Applicant to surrender before the Investigating Officer. Accordingly, time of one week is granted to the Applicant to surrender.

JUDGE